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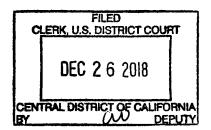
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## IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,

v.

DAVID MICHAEL LINEHAN,
Defendant.

Case No. 2:18-MJ-03368
ORDER OF DETENTION

I.

On December 21, 2018, Defendant David Michael Linehan ("Defendant") made his initial appearance in this district on the Complaint filed in the United States District Court for the Southern District of Florida, Case No. 2:18-MJ-03368. The Court appointed Deputy Federal Public Defender ("DFPD") Pedro Castillo to represent Defendant.

The Court conducted a detention hearing based on a motion by the Government pursuant to 18 U.S.C. § 3142(e) in a case alleging that there is no condition or combination of conditions that reasonably will assure (a) the appearance of the defendant as required, and (b) the safety or any other person and

the community.

The Court concludes that the Government is not entitled to a rebuttable presumption that no condition or combination of conditions reasonably will assure the defendant's appearance as required and the safety or any person or the community [18 U.S.C. § 3142(e)].

The Court finds that no condition or combination of conditions will reasonably assure: 

the appearance of the defendant as required.

 $\boxtimes$  the safety of any person or the community.

II.

The Court bases its conclusions on the following:

As to risk of non-appearance:

- Nature of the charged offense;
- Lack of ties to the United States, having resided outside of the U.S. for the past 17 years; specifically in Cambodia for three years, Hong Kong for four to five years, and Thailand for three years;
- Extensive foreign travel and ties as detailed above, including a pending job offer in Vietnam;
- No bail resources;
- Unverified background information;
- Lack of residence if released.

As to danger to the community:

- Nature of the charged offense;
- Apparent symptomatic mental health issues and no effort to seek treatment for same.

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III.

In reaching this decision, the Court considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device; (b) the weight of evidence against the defendant; (c) the history and characteristics of the defendant; and (d) the nature and seriousness of the danger to any person or the community. [18 U.S.C. § 3142(g).] The Court also considered the report and recommendation of the U.S. Pretrial Services Agency.

V.

IT IS THEREFORE ORDERED that Defendant be detained until trial. The defendant is remanded to the custody of the U.S. Marshal for forthwith removal to the Southern District of Florida. The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding. [18 U.S.C. § 3142(i).]

Dated: December 26, 2018

\_\_\_\_/s/\_ HON. MARIA A. AUDERO UNITED STATES MAGISTRATE JUDGE